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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

DIVISION

(Write the full name of the plaintiff in this action.)

(Include prisoner registration number.)

Plaintiff Quincy Vaughn #021918

v. Defendant Thomas A. Gullett, Dalton Larue

Warden Stan Payne, Cindy Griffith,

Ron Jeff Norman, Chief Security Coordinator et al.

(Write the full name of each defendant. The caption

must include the names of all of the parties.

Fed. R. Civ. P. 10(a). Merely listing one party and

writing "et al." is insufficient. Attach additional

sheets if necessary.)

4:19CV02566 NAB

Plaintiff Requests Trial by Jury

☒ Yes ☐ No

PRISONER CIVIL RIGHTS COMPLAINT UNDER 42 U.S.C. § 1983

NOTICE:

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date, the full name of a person known to be a minor, or a complete financial account number. A filing may include only: the last four digits of a social security number, the year of an individual's birth, a minor's initials, and the last four digits of a financial account number.

Except as noted in this form, plaintiff should not send exhibits, affidavits, witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the \$400.00 filing fee or an application to proceed without prepayment of fees and costs.

I. The Parties to this Complaint

A. The Plaintiff

Name: Quincy Vaughn #1081978

Other names you have used: _____

Prisoner Registration Number: 1081978

Current Institution: Eastern Reception Diagnostic Center
2727 Highway 2, Bonne Terre Missouri 63626

Indicate your prisoner status:

- | | |
|---|--|
| <input type="checkbox"/> Pretrial detainee | <input checked="" type="checkbox"/> Convicted and sentenced state prisoner |
| <input type="checkbox"/> Civilly committed detainee | <input type="checkbox"/> Convicted and sentenced federal prisoner |
| <input type="checkbox"/> Immigration detainee | <input type="checkbox"/> Other (explain): _____ |

B. The Defendant(s)

To the best of your knowledge, give the information below for each defendant named in the caption of this complaint. Make sure the defendant(s) named below are the same as those listed in the caption of this complaint. Attach additional pages if necessary.

For an individual defendant, include the person's job title, and check whether you are suing the individual in his or her individual capacity, official capacity, or both.

Defendant 1

Name: Thomas A. Gullett et al. See Attachment

Job or Title: Use to be a Correctional Officer II

Badge/Shield Number: _____

Employer: At the time the assault took place Missouri Department
of Corrections, ERDC, 2727 Highway 2, Bonne

Address: Jefferson City Missouri 65102 office 2727 Plaza Drive

- | | |
|---|---|
| <input checked="" type="checkbox"/> Individual Capacity | <input checked="" type="checkbox"/> Official Capacity |
|---|---|

Defendant 2

Name: Dalton Larue

Job or Title: then a COE now a COIT

Badge/Shield Number: ???

Employer: Missouri Department of Corrections / ELK RDC

Address: 2729 Plaza Drive Jefferson City Missouri 65107
ELK RDC 2729 Hwy 240 Booneville Missouri 63626



Individual Capacity



Official Capacity

II. Statement of Claim

Type, or neatly print, a short and plain statement of the **FACTS** that support your claim(s). For every defendant you have named in this complaint, you must state what he or she personally did to harm you. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Do not make legal arguments, or cite court cases or statutes. You may attach additional pages if necessary.

Your statement of claim must include all of the following information:

1. What happened to you?
2. When did it happen?
3. Where did it happen?
4. What injuries did you suffer?
5. What did each defendant personally do, or fail to do, to harm you?

IV. Relief

State briefly and precisely what you want the Court to do for you. Do not make legal arguments. Do not cite any cases or statutes. If you are requesting money damages, include the amounts of any actual damages and/or punitive damages you are claiming. Explain why you believe you are entitled to recover those damages.

I would like \$2,000,000.00 in punitive damages and another \$1,500,000.00 in pain and suffering and psychological and emotional distress. If the court is able to mediate an out of court settlement with the defendant this would remedy this case.

V. Exhaustion of Administrative Remedies/Administrative Procedures

The Prison Litigation Reform Act ("PLRA") 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes ☐ No

If yes, name the jail, prison or other correctional facility where you were confined at the time of the events giving rise to your claim(s):

- B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes ☐ No ☐ Do not know

- C. If yes, does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes ☐ No ☐ Do not know

If yes, which claim(s)?

Yes. However prison administrators lost my original complaint in regards to my person being assaulted by ~~off~~ Thomas A. Gullett. I had brooded it off to a TCU employee shortly after my surgery but was lost ~~subtly~~ attempting to maliciously sabotage my case.

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☒ Yes

☐ No

E. If you did file a grievance:

1. Where did you file the grievance?

I filed multiple, but as to the assault on my person I had to file to sabotage ill's because they (staff) purposely lost the 1st one.

2. What did you claim in your grievance? (Attach a copy of your grievance, if available)

In the main grievance I claimed a violation of the Missouri's Constitution and U.S. Constitution's 8th amendment right infringement of cruel and unusual punishment and a violation of RSMO (2016) chapter 217.405 prisoner abuse whereas I was brutally attacked by an officer while I was handcuffed behind my back.

3. What was the result, if any? (Attach a copy of any written response to your grievance, if available)

The response was after reviewing the incident which was caught on one of the wing camera's the minimal amount of force was used to control the situation. This was the answer given at the grievance level at the appeal stage ~~that~~ the administration utterly refused to answer the grievance any further in direct violation of RSMO (2016) chapter 217.410(c)(2). The administration claims I did not file my paperwork/complaint/relax on time ^{which} purposely lost my ~~complaint~~ ^{complaint} to cover up ~~off~~ Thomas A. Gullett and his co-conspirators wrong doing and to maliciously sabotage my lawsuit.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I appealed the decision to the highest level possible

- F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

I did file a grievance but the defendants would like to deceive the court indicating I did not file my complaint until December 26, 2018 which is not the truth. I will submit affidavits from my parents who will verify this is untrue and how they know it to be untrue.

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VI. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

- A. To the best of your knowledge, have you ever had a case dismissed on the basis of this "three strikes rule"?
- 211 ☐ Yes ☐ No *I cant answer for sure because I did have a civil suit dismissed in 2002, but I think the judge let me pass on that one, but im not sure.*

If yes, state which court dismissed your case and when it was dismissed. Attach a copy of the court's order, if possible.

Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes ☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the state and county)

3. Docket or case number _____

4. Name of Judge assigned to your case _____

5. Approximate date of filing lawsuit _____
6. Is the case still pending?
- ☐ Yes
- ☐ No (If no, give the approximate date of disposition): _____
7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☒ Yes ☐ No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff

Quince Vaughn #1081978

Defendant(s)

I have filed several lawsuits while incarcerated
I don't have access to this information

2. Court (if federal court, name the district; if state court, name the state and county)

3. Docket or case number _____
4. Name of Judge assigned to your case _____
5. Approximate date of filing lawsuit _____

6. Is the case still pending?

☐ Yes

☒ No (If no, give the approximate date of disposition): _____

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

VII. Certification and Closing

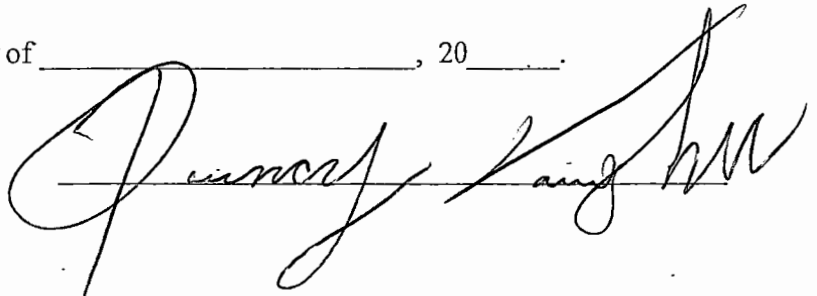
Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this _____ day of _____, 20____.

Signature of Plaintiff

A handwritten signature in black ink, appearing to read "Dennis King", written over a horizontal line.